



**REPORT OF THE TRUSTEESHIP COUNCIL TO THE SECURITY COUNCIL
ON THE TRUST TERRITORY OF THE PACIFIC ISLANDS
20 July 1988-1 August 1989**

**NINETEENTH SPECIAL SESSION: 16-17 MARCH 1989
FIFTY-SIXTH SESSION: 15 MAY-1 AUGUST 1989**

SECURITY COUNCIL OFFICIAL RECORDS

**FORTY-FOURTH YEAR
SPECIAL SUPPLEMENT No. 1**



**UNITED NATIONS
New York, 1989**



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S/20843

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NINETEENTH SPECIAL SESSION OF THE TRUSTEESHIP COUNCIL
16-17 MARCH 1989

CONSIDERATION OF THE DISPATCH OF A VISITING MISSION TO
OBSERVE CURRENT CONDITIONS IN PALAU, TRUST TERRITORY
OF THE PACIFIC ISLANDS, 1989

A. Introduction

1. By letters dated 1 and 3 March 1989, respectively, addressed to the Secretary-General, 1/ the Acting Permanent Representative of the United States of America invited the Trusteeship Council to send at its earliest convenience a visiting mission to observe current conditions in Palau; and requested that a special session of the Council be convened at the earliest possible date to consider that invitation. Since the request received the support of the majority of delegations, the President of the Trusteeship Council convened the nineteenth special session of the Council, which held two meetings, one on 16 March and the other on 17 March 1989.
2. Mr. Jean-Michel Gausso (France) and Mr. John A Birch (United Kingdom), who served as President and Vice-President, respectively, during the fifty-fifth session of the Council, continued to act in the same capacity during the nineteenth special session.

B. Adoption of the agenda

3. At its 1659th meeting, on 16 March 1989, which marked the opening of its nineteenth special session, the Council considered its provisional agenda contained in document T/1930 (see annex to the present section). After some discussion, the Council decided to adopt the provisional agenda at the same meeting.

C. Report of the Secretary-General on credentials

4. At its 1660th meeting, on 17 March 1989, 2/ the Council decided, without objection, to take note of the report of the Secretary-General on credentials. 3/

D. Letters dated 1 and 3 March 1989, respectively, from the Acting Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General

5. At its 1659th meeting, on 16 March 1989, the representative of the United States of America observed that the Trusteeship Council had met to consider a visiting mission to the Trust Territory of the Pacific Islands. 4/ The last periodic visiting mission to the Trust Territory in 1985 5/ had concluded that the four entities comprising the Trust Territory had attained more than enough political maturity to take their destiny into their own hands.
6. The United States representative recalled that by its resolution 2183 (LIII) of 28 May 1986, the Council had concluded that the Administering Authority had satisfactorily discharged its obligations under the terms of the Trusteeship Agreement 6/ and that it would be appropriate to terminate that Agreement upon the entry into force of the Compacts of Free Association and the Commonwealth

Covenant. 7/ The Compact of Free Association for Palau 8/ had not yet entered into force because Palau had not completed its constitutional approval process.

7. The United States representative, on behalf of her Government, invited the Council to dispatch a mission to visit Palau as soon as possible after completion of the nineteenth special session. Her Government, in consultation with the Government of Palau, was prepared to receive and facilitate the work of such a mission.

8. The representative of the Union of Soviet Socialist Republics questioned the reason for the precipitate convening of the special session to dispatch a periodic visiting mission to Palau which was but one part of the Trust Territory. 4/ The United States letters to convene a special session ought to have contained clarifications about the urgency of dispatching such a mission. Those two letters had set out a clearly unilateral position on the Trust Territory, counter to the Charter of the United Nations and the 1947 Trusteeship Agreement, and had failed to reflect the real situation in the Territory.

9. The Soviet delegation favoured appropriate, thorough consideration of the situation in Micronesia, dialogue, and a joint search for consensus. That could be fostered by a thorough discussion in the Council of the Administering Authority's activities to assist the people of Micronesia to exercise their inalienable right of free choice, genuine self-determination and independence.

10. As it had stated in its note dated 13 March 1989, 9/ the Soviet delegation would be prepared, at the fifty-sixth session in May 1989, to consider thoroughly the report of the Administering Authority on the Trust Territory for the period 1 October 1987 to 30 September 1988. 10/ It was also prepared to consider any proposals to dispatch a periodic Trusteeship Council mission on the basis of a generally accepted decision taken pursuant to the Charter and the Trusteeship Agreement.

11. The Soviet delegation pointed out that the problem of Micronesia was one of decolonization. It favoured the united efforts of States Members of the United Nations, constructive dialogue, and the search for generally acceptable solutions to achieve that goal. The Soviet delegation favoured such an approach and it hoped that it would prevail at the next session of the Trusteeship Council.

12. The representative of the United States stated that there was nothing mysterious or underhanded about the request that the Trusteeship Council dispatch a visiting mission to Palau. The visiting mission was not to be a special visiting mission, but a periodic visiting mission. The last periodic visiting mission had gone to Palau in 1985. Since then, several missions had visited Palau to observe plebiscites but not a periodic visiting mission. The Administering Authority considered that a long period had elapsed without a periodic visiting mission and decided, therefore, to request the Council to send one. The timing of that request was based solely on the desirability of having the mission's report in time for consideration by the Trusteeship Council at its fifty-sixth session.

13. If the request were taken up at the regular session, the report of the visiting mission would have to be considered an entire year later at the regular session in 1990. The report of the Administering Authority to the May 1989 session would cover the period 1 October 1987 through 30 September 1988. However, the existence of a report by the Administering Authority had never precluded the

dispatch of an objective visiting mission of the Trusteeship Council, which would have an independent view of conditions in the Trust Territory. The two reports, however, were not mutually exclusive. It was a question of having the broadest possible view of what was going on in Palau so that the Trusteeship Council could again see whether or not the Administering Authority was faithfully discharging its responsibilities.

14. A visiting mission to Palau could report on what was happening there to allay fears concerning accusations of a military bridgehead and the imposition of nuclear weapons on Palau. The representative of the United States also favoured a thorough discussion in the Council to help the Micronesians exercise their right to free choice and genuine self-determination. A visiting mission would be an invaluable asset for such a discussion.

15. At the 1659th meeting, on 16 March 1989, the representative of the United Kingdom of Great Britain and Northern Ireland introduced draft resolution T/L.1267 concerning arrangements for the dispatch of a visiting mission to Palau, Trust Territory of the Pacific Islands, in April 1989. 4/

16. He stated that by adopting the resolution, the Council would respond to the invitation of the United States Government to send a visiting mission to Palau to observe current conditions there. His delegation welcomed the invitation and considered that the mission would provide the Council with valuable first-hand information about the situation in Palau and contribute to the Council's work at its forthcoming regular session. He hoped that the Soviet delegation would take part in the visiting mission and thus dispel its misapprehensions about the situation in Palau and contribute to the co-operative work within the Council, which it sought.

17. By the draft resolution, the Trusteeship Council would, inter alia, decide to send a visiting mission to Palau, Trust Territory of the Pacific Islands, in April 1989 for approximately two weeks. The Council would further decide that the mission should be composed of members of the Council wishing to participate, except the Administering Authority which might provide an escort officer. It would direct the mission to observe the steps being taken in Palau towards bringing into effect the proposed Compact of Free Association and to obtain first-hand information concerning political, economic and social developments in Palau. It would also direct the mission to receive petitions, without prejudice to its action in accordance with the rules of procedure of the Council, and to examine on the spot such petitions as, in its opinion, warranted special examination.

18. The representative of the Soviet Union said that there had been no consultations on the draft resolution and that it had not taken the Soviet Union's views into account. He called for an explanation of the estimated expenditures for the proposed mission.

19. The representative of France stated that the special session of the Council illustrated the vitality and importance of the work of the Trusteeship Council between regular sessions. 4/ He noted that periodic visits to Territories administered by Administering Authorities was clearly one of the basic prerogatives of the Trusteeship Council under Article 87 of the Charter and that more than three years had elapsed since the dispatch of the last periodic mission.

20. The French delegation considered that a number of problems had not been resolved in Palau and that the political, economic and social development of the Territory deserved the Council's full attention. First-hand information should be made available to the Council to supplement the Administering Authority's report to the fifty-sixth session. It was not unwarranted for the Council to visit a part of the Territory under its purview that was suffering difficulties, thus meeting the responsibilities entrusted to it under the Charter.

21. The representative of France was concerned that the Trusteeship Council should fully discharge its functions under the Charter and the Trusteeship Agreement. He considered the draft resolution to be in keeping with that concern. His delegation thus approved the dispatch of a visiting mission to Palau, as requested by the Administering Authority, and it associated itself with the wish, expressed by the United Kingdom, that the draft resolution command the broadest possible support, indeed consensus.

22. The representative of the Soviet Union stated that his delegation could not support the draft resolution. An attempt had been made to impose the proposal of one member on the Council, without due regard for the opinions of other members. He considered especially ominous the innovation in the draft resolution directing the visiting mission to observe the steps being taken in Palau to bring into effect the proposed Compact of Free Association. That was totally at variance with mandates given to earlier missions dispatched to the Territory by the Trusteeship Council. He considered it an attempt to involve a United Nations body in pressuring the people to accept the so-called Compact of Free Association, which they had rejected. The draft resolution was totally at variance with the Charter, the Trusteeship Agreement and the Declaration on the Granting of Independence to Colonial Countries and Peoples, 11/ as well as other relevant instruments. Its purpose was to exploit the authority of the Council and to cover up annexationist activities being pursued by the Administering Authority in Micronesia.

23. The representative of the United Kingdom stated in response that references to the Compact of Free Association occurred in resolution 2183 (LIII) and in the report of the Trusteeship Council on its fifty-fifth session to the Security Council, 12/ in which the Trusteeship Council had recommended that the process of approval of the Compact of Free Association for Palau be completed at the earliest possible date. Mention of the Compact in the draft resolution was legitimate and had good antecedents in the documentation of the Council.

24. Concerning the composition of the delegation, he regretted that over the years the Soviet Union had not taken part. The British delegation would be delighted if a member of the Soviet delegation took part in the visiting mission to see at first hand that its fears were quite unfounded. The draft resolution provided for all members of the Council, except the Administering Authority, to take part, and he hoped that the Soviet Union would do so.

25. The United Kingdom representative further stated that the Compact of Free Association was chosen by the great majority of Palauans after many years of consideration of other methods of attaining independence or self-determination. It was thus entirely justified to mention it in the draft resolution. One of the objectives set forth in Article 76 of the Charter was to promote the political, economic, social and educational advancement of the inhabitants of the Trust Territories, and their progressive development towards self-government or independence. The Compact was the chosen route of the people of Palau. A majority

had voted in favour of it on successive occasions. However, under Palau's own internal arrangements, a very large majority was required; that had not yet been reached. The draft resolution simply asked the mission to observe something that was already happening and that was part of the Palauan political process.

Decision

26. At its 1660th meeting, on 17 March 1989, the Trusteeship Council considered draft resolution T/L.1267 and adopted it by 3 votes to 1 as resolution 2190 (S-XIX). 2/

27. In a statement after the vote, the representative of the Soviet Union stated that his delegation was under the impression that the sponsor of the draft resolution would try to take some of his delegation's comments into account. Instead, the draft resolution was put to the vote and adopted by the majority without taking into account the views expressed by the Soviet delegation.

28. In the Soviet delegation's view, the resolution ran counter to the purposes and principles of the Trusteeship Council and to the objectives and goals of the entire Trusteeship System, as well as to the relevant provisions of the Charter, and did not reflect the real situation in the Territory. The resolution was based on letters from the United States which had expressed a unilateral position on the question of the Trust Territory of the Pacific Islands. The linkage established between that unilateral approach and the proposal to send a visiting mission to Palau, which was only a part of the Trust Territory, obviously rendered it inappropriate. That was also true with regard to the resolution. He recalled that the 1947 Trusteeship Agreement approved by the Security Council considered the Trust Territory of the Pacific Islands as an integral whole. The commitments by the Administering Authority under the Agreement and the Charter continued to have full force and effect.

29. The Soviet delegation had, on numerous occasions, drawn attention to the arbitrary, illegal and unilateral actions by the United States to alter the Trust Territory status of the Territory in violation of the Charter, the 1947 Trusteeship Agreement and the Declaration on the Granting of Independence to Colonial Countries and Peoples. The United Nations continued to bear responsibility for the whole of the Trust Territory of the Pacific Islands. The resolution totally ignored those facts, and the Soviet delegation had voted against it. It was totally unacceptable to use the Trusteeship Council to lend legality to unlawful actions designed to fragment the Trust Territory and to further annexationist goals.

30. The Soviet delegation hoped that, for consideration at the forthcoming fifty-sixth session of the Trusteeship Council in May 1989, the Administering Authority would submit, in a timely manner, a substantive and objective report on the whole of the Trust Territory for the period 1 October 1987 to 30 September 1988, as provided by the Council's rules of procedure.

31. The representative of the United Kingdom, in response to the statement by the representative of the Soviet Union, noted the suggestion that his delegation should have engaged in more dialogue on the draft resolution with a view to reaching a consensus. As in all parts of the United Nations, his delegation would have liked to have had the widest possible dialogue with all Members, but based on previous experience there had been no evidence of new thinking. It had heard the same charges, the same accusations, year after year.

32. He rejected most strongly the suggestion that a unilateral or American approach to the Trust Territory was dominating the activities of the Council. The British delegation took an entirely independent view. There was no linkage between any unilateral approach and the dispatch of the visiting mission.

33. The British delegation, aware that it had a clear responsibility for the Trust Territory, was concerned that the people of Palau had not yet been able to decide exactly the form they wanted their future to take. It was entirely appropriate that a mission should be sent to have a first-hand account of what was happening in Palau and the views of the Palauan people about their future.

34. His delegation could not accept the view that there was a violation of the Charter if the people of a Trust Territory were allowed to determine their own future. That was part of the process in Palau on which his delegation should like the mission to report to the Council in May 1989.

E. Petitions

35. At its 1660th meeting, on 17 March 1989, 2/ the President of the Trusteeship Council noted that petitions received between May and November 1988 had been brought to the attention of members as they were received and were summarized in document T/INF/37. 13/ Those received since November 1988 had also been brought to the attention of members of the Council and would also be published in summary form before the Council's fifty-sixth session in document T/INF/37/Add.1. 13/

Decision

36. At the same meeting, the Council decided, without objection, to consider those petitions at its fifty-sixth session. 2/

F. Report of the Trusteeship Council to the Security Council covering the nineteenth special session

Decision

37. At its 1660th meeting, on 17 March 1989, the Trusteeship Council decided without objection to authorize the Secretariat, in consultation with the President and members of the Council, to prepare a report on the work of the nineteenth special session and to include it in the Council's next annual report to the Security Council on its work at its fifty-sixth session. 2/

Notes

1/ T/1928 and T/1929.

2/ See T/PV.1660.

3/ T/1932.

4/ See T/PV.1659.

Notes (continued)

5/ For the report of the United Nations Visiting Mission to the Trust Territory of the Pacific Islands, 1985, see Official Records of the Trusteeship Council, Fifty-third Session, Supplement No. 1 (T/1878).

6/ Trusteeship Agreement for the Trust Territory of the Pacific Islands (United Nations publication, Sales No. 1957.VI.A.1).

7/ For the text of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, see Official Records of the Trusteeship Council, Forty-second Session, Sessional Fascicle, annexes, document T/1759.

8/ The Compact of Free Association between Palau and the United States is described in the report of the United Nations Visiting Mission to Observe the Plebiscite in Palau, Trust Territory of the Pacific Islands, February 1983 (Official Records of the Trusteeship Council, Fiftieth Session, Supplement No. 3 (T/1851)). Amendments to the Compact, agreed to in January 1986, are contained in the report of the United Nations Visiting Mission to Observe the Plebiscite in Palau, Trust Territory of the Pacific Islands, February 1986 (Ibid., Fifty-third Session, Supplement No. 2 (T/1885)).

9/ T/1931.

10/ 1988 Trust Territory of the Pacific Islands, October 1, 1987 to September 30, 1988, forty-first annual report to the United Nations on the administration of the Trust Territory of the Pacific Islands, transmitted by the United States of America to the United Nations pursuant to Article 88 of the Charter of the United Nations (Department of the Interior). Copies were transmitted to members of the Trusteeship Council by document T/1934.

11/ General Assembly resolution 1514 (XV).

12/ Official Records of the Security Council, Forty-third Year, Special Supplement No. 1 (S/20168).

13/ To be incorporated in Official Records of the Trusteeship Council, Nineteenth Special Session and Fifty-sixth Session, Sessional Fascicle.

Annex

AGENDA OF THE NINETEENTH SPECIAL SESSION ADOPTED BY
THE TRUSTEESHIP COUNCIL AT ITS 1659TH MEETING, ON
16 MARCH 1989

1. Adoption of the agenda.
2. Report of the Secretary-General on credentials.
3. Letters dated 1 and 3 March 1989, respectively, from the Acting Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General inviting the Trusteeship Council at its earliest convenience to send a visiting mission to observe the current conditions in Palau (T/1928), and requesting that a special session of the Council be convened at the earliest possible date to consider that invitation (T/1929).
4. Examination of petitions related to item 3 of the agenda.

FIFTY-SIXTH SESSION OF THE TRUSTEESHIP COUNCIL
15 MAY TO 1 AUGUST 1989

PART I. ORGANIZATION AND ACTIVITIES OF THE TRUSTEESHIP COUNCIL

A. Introduction

1. On behalf of the Security Council, the Trusteeship Council discharges those functions of the United Nations under the International Trusteeship System that relate to the political, economic, social and educational advancement of the inhabitants of the Trust Territory of the Pacific Islands. In accordance with Article 86 of the Charter of the United Nations, the composition of the Trusteeship Council in 1989, at its fifty-sixth session, was as follows:

United States of America (member administering a Trust Territory)

China

France

Union of Soviet Socialist Republics

United Kingdom of Great Britain and Northern Ireland.

2. At its opening (1661st) meeting, on 15 May 1989, the Trusteeship Council decided, without objection, to adopt its agenda contained in document T/1933 (see annex I to the present report). 1/

3. At the same meeting, the Trusteeship Council unanimously elected the following officers:

President: Mr. John A. Birch (United Kingdom)

Vice-President: Mr. Jean-Michel Gausso (France).

4. The Trusteeship Council held its 1661st to 1672nd meetings between 15 May and 1 August 1989, during which it heard statements by representatives of the Administering Authority and its special representatives and advisers, as well as by other members of the Council (see part I, sect. C, of the present report). It also heard statements by petitioners and considered written petitions and communications (see part I, sect. D).

5. At its 1671st meeting, on 1 June 1989, the Trusteeship Council adopted the report of its Drafting Committee containing the Council's conclusions and recommendations (see part I, sect. J, and part II).

6. At its 1672nd meeting, on 1 August 1989, the Council adopted the present report to the Security Council (see part I, sect. K).

B. Report of the Secretary-General on credentials

7. At its 1670th meeting, on 31 May 1989, the Trusteeship Council considered, under item 2 of its agenda, the report of the Secretary-General on credentials. 2/

Decision

8. At the same meeting, the Trusteeship Council decided, without objection, to take note of the report. 3/

C. Examination of the annual report of the Administering Authority for the year ended 30 September 1988

9. At its 1661st, 1664th to 1666th, 1669th and 1670th meetings, held between 15 and 31 May 1989, the Trusteeship Council examined, under item 4 of its agenda, the annual report of the Administering Authority on the Trust Territory of the Pacific Islands for the year ended 30 September 1988.

Opening statements by representatives of the Administering Authority

10. The representative of the United States of America congratulated the newly elected President of the Trusteeship Council, Mr. Birch of the United Kingdom. 1/ She also expressed appreciation for the effective, wise management of the Trusteeship Council by the outgoing President, Mr. Jean-Michel Gausso of France. She welcomed the participation of Mr. Yu Mengjia, Ambassador, and other representatives of China and their contribution to the work of the Trusteeship Council. She also noted that the United States delegation was privileged to include the Vice-President of Palau, the Honourable Kuniwo Nakamura.

11. The representative thanked the Council for sending the Visiting Mission to Palau in April. The Mission thus had an opportunity to assess the situation in Palau and to collect valuable information and insights. The representative appreciated the dedication and hard work of the Mission and staff and also noted that all would benefit from their report. 4/

12. The representative informed the Council that on the issue of war claims, her Government had appropriated and begun payment of the balance due under Title I of the War Claims Act. Title II payments had been completed several years ago. All money under the War Claims programme would soon be disbursed and all payments completed. The Administering Authority had no outstanding claims and had settled all indefinite land-use agreements. Existing arrangements had been transferred to the new constitutional authorities.

13. Referring to the untimely death of President Lazarus Salii of Palau, the United States representative stated that her Government respected the manner in which the Government and people of Palau had handled the transition and were able to move promptly to elect a new President, Vice-President and National Congress.

14. The United States regarded the peaceful and fair conduct of national elections and the smooth transfer of authority to a new administration and congress in Palau in late 1988 and January 1989 as the most significant event of the period under consideration.

15. The United States representative stated that she fully expected that the report of the Visiting Mission would bear out her view that the people of Palau had carried out their democratic responsibilities with skill and dedication. Her Government considered the installation of the new Government of Palau as proof that its people could make their own decisions and it showed that the Administering

Authority's confidence in the healthy political and economic development of Palau was well founded.

16. The representative of the United States said that those positive developments testified to the fact that the Administering Authority continued to carry out its responsibilities under the Trusteeship Agreement. 5/ She recalled that, in resolution 2183 (LIII) of 28 May 1986, the Trusteeship Council had concluded that the Administering Authority had satisfactorily discharged its obligations under the Trusteeship Agreement. Since that time, there had been even greater political and economic progress in Palau which she expected would be confirmed by the Visiting Mission. Her Government was ready to implement new status arrangements whenever the people of Palau were ready. She assured the Council that until then, the United States would continue to provide all appropriate support and discharge its responsibilities faithfully.

17. The Honourable Kuniwo Nakamura, Vice-President of Palau and Special Representative of the Administering Authority, noted that the Council had met to hear a report on the forty-first year of United States trusteeship of Palau. 1/ The Government of Palau would like to be able to say that the trusteeship could be ended, but it could not. It was, however, pleased to report to the Council at its current session.

18. He stated that the events of 1988 showed that the democratic process was at work in Palau. The Vice-President had peacefully succeeded to office. Subsequently, in national elections Palau had chosen new leaders consistent with its Constitution. Palau's political squabbles were all part of a democracy, and Palau had shown its ability to govern itself.

19. He considered it equally important that, while Palauans might disagree on some political matters, its leaders and Government were unified in seeking to meet the country's fundamental needs of health, education, economic self-sufficiency and efficient government. The success of Palau's governmental system and unity of purpose were evidence of the political maturity of its people. However, Palau was dissatisfied fundamentally with the accomplishments under the trusteeship of the United States. Palau's economic development had not advanced to anywhere near the self-sufficiency called for by the Trusteeship Agreement. Social and health problems, which continued to exist, were beyond Palau's ability to deal with under present circumstances.

20. The Special Representative welcomed the forty-first annual report by the Administering Authority. 6/ However, he urged the Council to read it carefully, bearing in mind the following. In the report, the Council was told that the need for a new hospital was well documented and that the hospital was under construction. What the report did not state was that the Administering Authority had not agreed to provide assistance for completion of the new hospital to replace the inhumane conditions in the current facility.

21. The Special Representative stated that although the report also informed the Council that there was a medical referral programme for those who could not be treated in Palau, it did not state that the Administering Authority had provided no assistance for that life-saving programme. In informing the Council about education, the report did not state that Palau had received no assistance to deal with the drug and substance abuse problems which were ruining Palau's youth.

22. The Special Representative further observed that the report had stated that Palau had a national power plant. It had not, however, told the Council that the Administering Authority had provided no financial assistance for that plant and it had, as a result, left Palau with a bankrupting debt. With respect to Palau's school buildings, roads, bridges and sewers, the report did not relate that there had been no assistance in correcting the many deficiencies in the infrastructure built under the Administering Authority's supervision which were crucial to Palau's economic self-sufficiency.

23. Operating funds provided by the Administering Authority to the Government of Palau had not been increased since 1981, resulting in, for example, inadequate jails and land records. The point was that health, education, electric power and infrastructure were integral and basic parts of self-sufficiency, and while Palau would certainly take responsibility for accomplishing what it could within its limited resources, its fundamental needs had not been met by the Administering Authority.

24. The Special Representative considered that fulfilment of trusteeship responsibilities was unrelated to Palau's approval of the Compact of Free Association. ^{7/} That was the Administering Authority's obligation, with or without the Compact, and it was unfair to require Palauans to approve the Compact before the Administering Authority met its trusteeship obligations.

25. Given the history of the Compact and the performance of the Administering Authority, the Special Representative reported that he could not see Palau approving the Compact unless the United States met those obligations. The approval process in Palau for the Compact had engendered divisive political, social and legal ramifications, understandable in view of the fact that six referendums had been held on the Compact, none of which had resulted in its approval under the terms of Palau's Constitution.

26. The Special Representative stated that in the wake of Palau's presidential and legislative elections in November 1988, the leadership of Palau had adopted a consensus on the Territory's future political status. That had resulted in the adoption of a unified position paper and the enactment of the Republic of Palau's Law No. 3-1, creating a Commission on Future Palau/United States Relations. Fundamental to that consensus was the concept that, for the duration of its term, the Commission would serve as the window between Palau and the United States, the United Nations and any other appropriate party in discussions on the issue of the Territory's future political status.

27. Palau was engaged in bilateral discussions with the United States about agreements in connection with the Compact. The Special Representative stated that the United States and the Council must understand that Palau's Government and people were unified in focusing attention on its fundamental needs. If those fundamentals were properly addressed, Palau could approve the Compact which he felt was the sentiment of the vast majority of the people of Palau.

28. The Special Representative stated that criticism of the Administering Authority should be interpreted as concern to meet Palau's basic needs. The people of Palau wanted a strong and healthy relationship with the United States and respected the history of the existing one. Forty-one years had passed and it was time to bring the Compact into force and to forge a relationship based on mutual respect.

29. Palau's immediate needs, he said, included a new hospital, renovation of deteriorating capital improvement projects constructed during the trusteeship period a road network, water supply, sewerage systems and schools. Also needed were improvements in the woefully inadequate infrastructure in the outlying areas of Palau, an increase in operational appropriations from the United States for medical supplies, school textbooks, rural medical dispensaries, an economic loan fund and a pay increase for government workers.

30. The Special Representative further stated that he had come before the Council with two primary objectives: first, that Palau's status as a Trust Territory not be terminated until the United States had fulfilled its trusteeship responsibilities and the Palauan people had approved a new political status in accordance with its constitutional processes; second, that the Council ensure that the United States fully honour its commitments under the Trusteeship Agreement. Those were Palau's entitlements under the Charter and the Trusteeship Agreement.

31. He recalled that in his parting statement to the recent United Nations Visiting Mission sent by the Trusteeship Council, the President of Palau had stated that he strongly believed that the United States had not accomplished its trusteeship responsibilities in Palau. The President sincerely hoped that the Trusteeship Council, the United States and Palau would work in co-operation with each other to ensure that those responsibilities were fulfilled.

Statements by members

32. The representative of the United Kingdom of Great Britain and Northern Ireland stated that the central objective of the International Trusteeship System was to bring the inhabitants of the Trust Territories to a point where they were ready to govern themselves. 8/ In 1986, the Trusteeship Council had acknowledged that the people of the Trust Territory of the Pacific Islands had reached that point. In its resolution 2183 (LIII), the Council had recognized that the peoples of Micronesia had freely exercised their right to self-determination and had chosen either free association with the United States or Commonwealth status. That fact was still true.

33. New status arrangements for the Marshall Islands, the Federated States of Micronesia and the Northern Mariana Islands had been announced by the Administering Authority in October and November 1986. The question of Palau's future status remained unresolved, for reasons the Council had discussed at length. However, his delegation noted with satisfaction that the inhabitants of each of the four entities continued to govern themselves and to take responsibility for their own affairs.

34. There could be no doubt about the recent Visiting Mission's conclusion that free association with the United States remained the preference of the overwhelming majority of the people of Palau, he said. That had been confirmed by the Vice-President of Palau at the current session. In a statement on behalf of the leadership of Palau, he had stated clearly that although a number of grievances remained, a strong and healthy relationship with the United States continued to be the goal of the people of Palau.

35. The United Kingdom delegation welcomed the formation of the Commission on Future Palau/United States Relations, a body drawn from a wide cross-section of Palauan society. It hoped that the Commission's current negotiations with the United States would lead to a successful and mutually acceptable outcome.

36. A number of Palauans had complained, at the current session, about the level of economic development and social progress achieved in Palau. Similar complaints were heard by the Visiting Mission. He considered that some complaints might be justified, some might not. It was natural for Palauans to aspire to improve their standard of living. The process of economic, social and educational advancement could never be described as complete in any country. But, in a Trust Territory, the development process must be seen in the context of the parallel process of political advancement. Under the Trusteeship System the people of a Trust Territory should be encouraged and equipped to tackle such matters themselves. The people of Palau were ready to do that. Through its efforts under the Trusteeship System, and through assistance which would continue under the proposed new status arrangements, the Administering Authority had provided Palau with an ample foundation on which to build.

37. With respect to the petitions delivered by representatives of the Northern Mariana Islands at the current session, he welcomed the assurance of the Administering Authority that consultations under section 902 of the Commonwealth Covenant were continuing and hoped that those consultations would resolve the differences which had arisen. 9/

38. Claims that the Micronesians had not been allowed to make a free choice on their future political status were unfounded. The new status arrangements were the result of lengthy negotiations over the past 20 years. During that time, Micronesians could have chosen whatever status they wished - independence, integration with the United States, or a relationship with some other State. Yet of all the available options, they had chosen a balance between their wish to govern their own affairs and their desire for the assistance and protection of a major Power in such areas as security and defence, where they were ill equipped to provide for themselves. The Trusteeship Council should support their free choice and not interfere with its fulfilment.

39. It was quite untrue to claim that the people of Micronesia had been divided into four entities against their will in order to weaken them and to increase their dependence on the United States. The Administering Authority had tried for some years to create a single State of Micronesia. In the course of the future status negotiations and the popular plebiscites which followed, it had become clear that such was not acceptable to the different peoples of the Territory. The division of the Territory into four separate entities, in accordance with the wishes of the population, was testimony to the commitment of the Administering Authority to democracy, not evidence of any fragmentation plan.

40. Allegations that the new status arrangements were part of a United States scheme to turn the Trust Territory into a military installation and a nuclear base made no sense. For more than 40 years, the United States had enjoyed more military rights over the Trust Territory under the Trusteeship Agreement than were provided for by the new status arrangements. If the United States had wanted to create a military base in Palau, it would have done so long ago. Under the new arrangements, the United States was taking on the responsibility to defend the four Micronesian entities. Such responsibility carried certain options, among them the right to use land for military purposes and to transit Micronesia with military vessels and aircraft. Such rights were necessary for the United States to carry out its defence obligations. They were intended to protect the people of Micronesia, not to threaten them or anyone else.

41. The United Kingdom representative considered it unfortunate that extraneous issues had so often clouded consideration of the situation in Micronesia. The peoples of Micronesia had taken their own decisions on their future political status freely, openly, fully understanding the issues and aware of the alternatives. The United Kingdom was committed to defending their right to self-determination, without interference from outside.

42. The representative of China stated that his delegation was participating in the work of the Trusteeship Council for the first time. 1/, 8/ Under the provisions of the Charter, China, as a permanent member of the Security Council, was also a member of the Trusteeship Council. His Government's decision to participate in the work of the Trusteeship Council reflected China's aspiration to contribute more to the constructive role which the United Nations was playing in international affairs.

43. China had considered the 1988 annual report of the Administering Authority for the Trust Territory of the Pacific Islands 6/ and the Visiting Mission's report on Palau, 4/ as well as many oral and written petitions which had further clarified and substantiated information on the Trust Territory. That had helped Council members to understand better the current state of affairs in the Territory and to implement correctly and fully the mandate entrusted to it by the Charter. The basic objectives of the International Trusteeship System were to further international peace and security and to promote the political, economic, social and educational advancement of the inhabitants of the Trust Territories and their progressive development towards self-government or independence. The Charter also laid down that the people in Trust Territories should freely choose their political future by exercising the right to self-determination.

44. The Chinese delegation expressed its readiness to contribute to the fulfilment of those tasks, in keeping with the Charter. On the one hand, it was glad to see that, under the mandate of the International Trusteeship System, the inhabitants of the Trust Territory of the Pacific Islands had achieved certain progress in the political, economic, social and educational fields of their respective communities. On the other hand, judging by the oral and written petitions before the Council, many problems still called for improvement. the local inhabitants were not quite satisfied with the work of the Administering Authority, particularly in economic development where much more attention seemed necessary to meet the expectations of the population. Other problems and difficulties included public health, education and housing. The lack of proper infrastructure was acute.

45. The Chinese delegation hoped that the Administering Authority would seriously consider the opinions of the inhabitants of the Trust Territory. Pending fulfilment of the Trusteeship Agreement, the Administering Authority should discharge fully its obligations to the Trust Territory, meet the local people's aspirations and create the conditions necessary for the realization of their self-determination and independent development.

46. The representative of France recalled that at the fifty-fourth session of the Council, in May 1987, his delegation had expressed the wish that there might be rapid implementation, in keeping with the Charter, of the recommendation in resolution 2183 (LIII), so that the four parts of the Trust Territory of the Pacific Islands might finally enjoy the status of independence or self-government that each had chosen. 8/ Two years had passed since then and, unfortunately, the conditions necessary for attainment of that goal had still not been achieved.

47. The institutional situation of the Territory had been blocked because the Compact of Free Association between the United States and Palau had not yet been approved in accordance with the conditions provided for by the Constitution of Palau.

48. Since the Council's fifty-fifth session, significant progress had been made in the political, economic, social and educational fields in the Trust Territory. The Administering Authority's report had provided useful information about Palau in that respect. The detailed report of the 1989 Visiting Mission to Palau, 4/ the first mission of its kind to the Territory since 1985, permitted the French representative to see how much had been done in many fields through the joint efforts of the Administering Authority, the local authorities and the people of the Territory.

49. The Council should not, however, overlook the difficulties that still existed. His delegation did not always find petitioners perfectly objective, but it was only fair to recognize that the citizens of Palau were genuinely concerned about their future, which still remained uncertain. The remarkable progress achieved in the archipelago, the democratic character of local institutions, the standard of living of the people or the progress in education, had not yet eliminated certain shortcomings which had kept Palau relatively dependent on outside aid.

50. The French delegation hoped that the in-depth dialogue between the leaders of Palau and the Administering Authority would facilitate a resolution of the problems that still existed and expedite the entry into force of the status of free association to which the great majority of Palauans clearly remained committed. Until that goal was achieved, and as long as the Trusteeship Agreement remained in force, it was important that the Administering Authority continue to discharge its obligations and responsibilities. His delegation had noted with satisfaction the renewed assurances that the delegation of the United States had given the Council on that matter.

51. The French delegation welcomed the news that the bilateral discussions between the United States and the Northern Mariana Islands under section 902 of the Commonwealth Covenant 9/ were to be resumed soon. Through such dialogue, the difficulties that had arisen over the interpretation of the agreements defining the new status of the Northern Marianas could and must be resolved.

52. In conclusion, he expressed the hope that very soon, in accordance with the Charter, the obstacles that still prevented the population of the Trust Territory from fully realizing its aspirations, expressed in the free exercise of its right to self-determination, would be overcome.

53. The representative of the Union of Soviet Socialist Republics welcomed the delegation of China and its participation in, and valuable contribution to, the work of the Trusteeship Council. He stated that his delegation had carefully studied the report of the Administering Authority on the Trust Territory and the statements by the representative of the United States on that report. 1/, 8/ It had listened attentively to petitioners from Micronesia and to some who were United States citizens, and had studied the written petitions submitted to the Council. It had analysed other documents and materials, all of which had led the Soviet delegation to draw clear conclusions about the real situation prevailing in and around Micronesia as a result of the activities of the Administering Authority.

54. An obvious lacuna in the Administering Authority's report was information about the steps taken during the reporting period to promote implementation of article 1 of the 1947 Trusteeship Agreement throughout the Trust Territory. That article set forth the Administering Authority's obligations under Article 76 of the Charter. Clarifications from the Administering Authority had not filled that lacuna. He hoped that the Administering Authority would, in the future, furnish sufficiently complete information and give due attention to the questions and comments raised at the session.

55. The fundamental tasks of the Trusteeship System, as formulated in the Charter, were to further international peace and security and to promote the political, economic, social and educational advancement of the inhabitants of the Trust Territories and their progressive development towards self-government or independence. That also included respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. When given a mandate by the Security Council for temporary administration of the Trust Territory, the Administering Authority thereby assumed the relevant obligations contained in the Charter and the Trusteeship Agreement.

56. In the view of the Soviet delegation, the situation that had developed during the United States administration of the Trust Territory justified the conclusion that the Administering Authority's policy and actions were not consonant with its international obligations and that the trusteeship goals remained far from achieved. Little had been done about the progressive economic development of the Territory that would have enhanced the well-being of the population. The infrastructure had eroded and many traditional areas of the economy had been lost. The self-sufficiency of the Territory had been weakened, and such phenomena as alcoholism and crime were on the increase. All that had had an adverse effect on the life of the inhabitants.

57. The economic and social base established in the Territory had led to dependence on the United States and had been used to exert pressure on the inhabitants and local authorities. The Administering Authority's actions had violated the territorial integrity of the Trust Territory. The unity of a single Territory had been shattered into separate entities imposed on the inhabitants under the guise of various neo-colonialist statutes. Thus, a situation had been created in which the people of Micronesia were actually hindered from realizing their inalienable right to genuine self-determination, freedom, independence and territorial integrity. The inhabitants of the Territory had been deprived of their sovereign right to choose for themselves, free from any outside interference.

58. The Administering Authority's policy of dismemberment and annexation of the Trust Territory was counter to the basic national interests of Micronesia and a violation of the Charter and the Trusteeship Agreement and was counter to the Declaration on the Granting of Independence to Colonial Countries and Peoples. Clearly, the so-called Compact of Free Association and the Commonwealth status imposed upon the Micronesian people were illegal and counter to international law, and could not be accepted as binding. The representatives of the Northern Mariana Islands had criticized the actions of the Administering Authority, stressing that the Territory had not been granted the self-government it had been promised and that the population had been disappointed and deceived. They had said that the Territory had, in fact, been transformed into a United States colony. They had directly appealed to the Council to act in the interests of the population and not to allow the Trusteeship Agreement to be terminated. The Administering Authority

was also bypassing provisions in force in the Marshall Islands and the Federated States of Micronesia. The representative of the Administering Authority had not furnished information to the Trusteeship Council on that matter, as required under the Charter.

59. The Soviet representative further stated that the world community could not remain indifferent to those highly disquieting actions by the Administering Authority. It should, to the extent possible, promote support for international peace and security in accordance with the purposes and principles of the Charter. Instead, the Administering Authority had constantly tried to transform the Trust Territory into a strategic and military bridgehead in the Western Pacific.

60. The Administering Authority had said it had no plans to use Micronesia for military purposes but those assertions could not be reconciled with the military articles in the so-called Compact of Free Association, other agreements imposed on the dismembered parts of Micronesia, and the insistence with which the Administering Authority had tried to achieve a guaranteed eternal right to deploy nuclear and other weapons in Micronesia. To that end, the inhabitants of Palau were subjected to mass pressure, as exemplified by the endless series of referendums that had been held to overcome the resistance of opponents to such a solution.

61. The actions of the Administering Authority, he stated, did not match the general international trend towards formation of a world-wide political and legal order based on genuine respect for freedom of choice and equal rights for all peoples. Micronesia must not become dependent on the will and unilateral actions of the Administering Authority. Not submitting the necessary information on the situation in the Trust Territory of the Pacific Islands was at variance with the Trusteeship Agreement and was aimed at limiting or circumventing United Nations control over the Trust Territory. Despite the unilateral actions of the Administering Authority, the United Nations was responsible for Micronesia until all the Charter and Trusteeship Agreement requirements had been fulfilled.

62. The Soviet delegation stressed that under the Charter, the Security Council alone had the right to alter the status of the Trust Territory or terminate the Trusteeship Agreement. Until the Security Council took such a decision, the Administering Authority was still duty bound to present regular reports to the United Nations on the situation throughout the Territory. The Micronesian people could continue to turn to the United Nations for the protection of their rights and interests.

63. There was a fundamental need for all States to be guided by the principles of the new political thinking. There should be productive dialogue in the Council to achieve consensus decisions. In its view, the solid legal basis for that was the Charter, the Trusteeship Agreement and the Declaration on decolonization.

Closing statements by representatives of the Administering Authority

64. At the 1670th meeting, on 31 May 1989, Mr. Victor Rehuher, on behalf of Vice-President Nakamura of Palau and the Palau Government leadership, stated that the report of the Visiting Mission accurately reflected the consensus sentiments expressed at virtually every meeting in Palau by both the leadership of the Government and the community at large. 3/ Palau had benefited during the 41 years of the trusteeship, particularly through its stable and democratic form of

government. With respect to certain basic needs, however, the Administering Authority had not fulfilled its obligations under the Charter and the Trusteeship Agreement. Those obligations were not simply financial, but essential to Palau's self-sufficiency and the maintenance of its stable political system for generations to come. They must be fulfilled before the Trusteeship Agreement was terminated.

65. The Special Representative stated that the agreement reached in Guam on 26 May 1989 between Palau and the United States provided a basis for accomplishing that and for solidifying a relationship of mutual respect between Palau and the United States in all matters, including military and defence. The traditions of the people of Palau were rich, its Government strong, democratic and independent. Those factors provided the basis for optimism and termination of the Trusteeship Agreement. Palau needed the Trusteeship Council's continued vigilance but the foundation was in place for finally meeting the fundamental needs of the people of Palau. Much work remained for both Palau and the United States. With the Council's support, he believed that their joint efforts could be successful.

66. The representative of the United States said that throughout the current session, the Council had heard abundant evidence of political, social and economic development in Palau. 3/ The annual report of the Administering Authority had documented continued progress in those areas and the steps taken to improve conditions in Palau. The report of the Visiting Mission 4/ bore impartial and convincing witness to the continuing improvement in the lot of the Palauan people and had made a number of wise recommendations for the future.

67. The representative of the United States noted that the representative of the Government of Palau had referred to an agreement reached in May 1989 between the United States and the Commission on Future Palau/United States Relations, commenting that it provided the foundation for meeting the needs of the Palauan people. The agreement signed on 26 May 1989 addressed many of the concerns raised during the Council's current session. The agreement would also facilitate the efforts of the overwhelming majority of the Palauan people, through a plebiscite, to allow the Compact of Free Association to enter into force. The people of Palau were, and always had been, free to choose their own future and their own form of self-government.

68. The Palau National Congress would soon decide whether to call a plebiscite on the Compact. It if chose to do so, past history suggested that it would request, through the Administering Authority, a United Nations visiting observer mission. Such a request might come before the end of the fifty-sixth session of the Council. If such a request were received, her delegation recommended that, in accordance with past practice, the plebiscite should be observed by a visiting mission to verify its free and fair conduct.

69. With respect to economic conditions in Palau, some had urged that the will of the vast majority of the Palauan people be frustrated by deferring termination of the Trusteeship Agreement until the Administering Authority met what they deemed to be Palau's fundamental needs. But the Council had long acknowledged that the United States had more than met Palau's fundamental needs. Neither the Trusteeship Agreement nor the Charter provided a yardstick by which the Council could objectively measure economic development. Palau had already achieved a significantly higher degree of economic development than many former Trust Territories had had at the termination of their trusteeship. The standard of living of the people of Palau was higher than that of many other areas in the Pacific.

70. The agreement reached with the Commission on Future Palau/United States Relations provided the basis for improving Palau's infrastructure and economy. Her delegation appreciated the constructive and useful recommendations of the recent Visiting Mission on that subject. Development and maintenance of infrastructure were continuing processes that often involved difficult choices in the allocation of financial resources. The United States believed that the Palauans themselves had the right and the duty to make those choices. It stood ready to assist and advise them, but it would never thwart the development and exercise of self-government by making those choices for them.

71. In the view of the United States delegation, it was clear that a workable economic infrastructure was now in place in Palau. With the resolution of its political status, Palau would be able to make further steady progress, building on the sound foundation of its healthy economic structure and attractive investment climate. Honest differences of opinion over the degree of Palau's economic development should not be used to delay the political advancement of the Territory. It would be contrary to the letter and the spirit of the basic declarations of the United Nations to deny the right of self-determination to the people of Palau on the basis of a spurious claim that its citizens were not rich enough to shape their own political future.

72. The United States Government believed that it had fully and willingly fulfilled its responsibilities under the Trusteeship Agreement. It reaffirmed its commitment to continue to do so until the people of Palau, at the time and in the manner of their choosing, relieved it of that responsibility through the free exercise of their right to self-determination in accordance with their own constitutional requirements.

D. Petitions

Oral hearings

73. At its 1662nd and 1663rd meetings, on 16 and 17 May 1989, the Trusteeship Council heard 10 petitioners under item 5 of its agenda. 10/

74. Messrs. Glenn H. Alcalay (National Committee for Radiation Victims) and Larry Hillblom (Northern Mariana Islands Task Force on the Termination of the Trusteeship) replied to questions from members of the Council at the 1164th meeting. 11/

Written communications and petitions

75. At its 1666th to 1668th meetings between 19 and 23 May 1989, the Council considered 14 communications and 125 petitions. The list of the communications and petitions, together with an indication of their content, is contained in documents T/INF/37 and Add.1.

Communications

76. During the Council's consideration of this item, the representative of the Soviet Union stated that communication No. 1 contained in document T/INF/37 from Joshua Koshiba, President of Palau's Senate, raised serious questions about ensuring due process in the Territory and help from the Administering

Authority. 12/ Communication No. 2 contained in the same document from the Palau National Congress spoke of bribes and unsavoury acts in connection with the power plant of the International Power Systems Engineering Company (IPSECO). Communication No. 3 from Mr. Santos Olikong, contained in the same document noted that pressure was being exerted on local authorities, including physical threats. Communication No. 11, also from Mr. Olikong, concerned United States House Joint resolution 597, about which the Soviet representative sought clarification from the United States on what help it had given the local authorities of the Trust Territory. 13/

77. The representative of the United Kingdom pointed out that communication No. 3 contained in document T/INF/37/Add.1 included an annex described as a Palau Action Alert which encouraged recipients to address petitions and letters to the President of the Council and others. 13/ That suggested the existence of a letter-writing campaign.

Decision

78. At its 1667th meeting, on 22 May 1989, the Trusteeship Council decided to take note of the communications contained in documents T/INF/37 and Add.1. 13/

Petitions

79. With respect to petitions Nos. 1 to 10 contained in document T/INF/37, the representative of the Soviet Union stated that those petitions addressed important questions for the people of Micronesia and the Council. 13/ A clear example was the protest against United States pressure on Palau to renounce the nuclear-free aspect of the Constitution and its demand that the United States comply with the provisions of the Trusteeship Agreement. Another petition requested the Council to ensure freedom of speech for all opponents of the Compact, unbiased and comprehensive political education, equal access to the media for both sides and the prevention of a breach of the Trusteeship Agreement. An important principle was that the Council should honour all the provisions of the nuclear-free Constitution of Palau.

80. The representative of France, in a general comment on petitions Nos. 11 to 20 contained in document T/INF/37, stated that an extremely negative description of the situation in Palau characterized most of those petitions. 13/ One petitioner spoke of the farcical situation and another of terrorism against Palauan citizens. In his view, that extremely negative vision did not correspond with what he had seen in Palau. Seven of the 10 petitions were from the United Kingdom and the others from Scandinavian countries. Those were persons far from Palau who had, perhaps, not had an opportunity to go there, whose information might not be precise and might be more the product of propaganda than of objectivity.

81. The representative of the Soviet Union saw no reason to doubt the petitions. 13/ Everything to which they referred had indeed happened. Petitions from Palau reflected information to the effect that the Administering Authority had not carried out its obligations under the Charter and the Trusteeship Agreement and that the situation in the Territory was not as tranquil as it had been while the Visiting Mission was in the Territory. Palauan petitions spoke of pressure on the inhabitants and members of the Palauan Administration, of local authorities unable to cope with the problems facing them, of violence, corruption and the continuing scandal relating to the electrical power plant. Every document presented to the

Council for its consideration deserved serious attention and should be evaluated with concern.

82. Concerning petitions Nos. 21 to 30 contained in document T/INF/37, the representative of the Soviet Union believed that the most serious questions were raised in petitions Nos. 24 and 26. Petition No. 24, signed by 136 persons from the Nordic Forum, raised important and basic questions about the need to provide the Palauans with options other than the Compact of Free Association and to ensure that debate and discussion took place without coercion. Palau, given its total economic dependence, might find it difficult to discuss any option other than the Compact. The question, however, remained important and the Trusteeship Council should give it serious attention. Petition No. 26 from Mr. Santos Olikong, Speaker of the House of Delegates of the Palau National Congress, contained information about the situation in Palau and the conditions under which preparations for the elections had taken place. It mentioned armed persons camped outside the Palau National Congress, and numerous acts of violence, and requested security personnel assistance to maintain law and order. That important information should have been verified immediately upon its receipt by the Council and urgent steps should have been taken to settle those issues.

83. With respect to petitions Nos. 31 to 50 contained in document T/INF/37, the representative of the Soviet Union noted the concerns expressed about the problems the people of Palau were experiencing. He drew attention to the broad geographical and professional spectrum covered by that group of petitions: the European Parliament, Asian countries, churches, jurists, teachers and others.

84. The representative of the United Kingdom, commenting on the petitions contained in documents T/INF/37 and Add.1, stated that most were written from a particular and relatively narrow, anti-nuclear point of view which might be shared by a small number of individuals in Palau but which did not seem to be the view of the majority as expressed to the Visiting Mission on numerous occasions. 13/ The petitions were written mainly from countries far from Palau and by people who, in the majority, had never visited Palau. They came from certain communities around the world with a narrow geographical spread. Only a few countries were represented. Many contained factual inaccuracies and misunderstandings about the real situation in Palau. Many were the product of a letter-writing campaign. Although sincere in motive, such a campaign was somewhat removed from the aspirations of the majority of the people in Palau.

85. The representative of the United Kingdom acknowledged that the Council had a responsibility to take into account the views expressed in those petitions but thought it more important to take account of the views expressed by Palauans themselves. As a member of the recent Visiting Mission to Palau, it was clear to him that the majority of Palauans were concerned primarily about how they might progress to free association with the United States on an appropriate economic basis. The nuclear issue did occasionally arise, but not as a matter of major concern.

86. The representative of the Soviet Union stated that the anti-nuclear provisions of the Constitution of Palau had been adopted by more than 90 per cent of the people of Palau. 13/ Despite a number of referendums organized in an attempt to force the people of Palau to renounce or circumvent those provisions of the Constitution, such attempts had not been successful. The geographical spread of the anti-nuclear approach encompassed the entire world and it would be wrong to

reduce the matter to a letter-writing campaign. He was opposed to any attempt to use the Trusteeship Council to impose the opinion of the Administering Authority on the people of the Territory.

87. The representative of the United Kingdom stated that the Constitution of Palau, adopted by a majority of the Palauan people, contained certain provisions on nuclear substances. 13/ The Constitution also included the means for those provisions to be overridden if 75 per cent of the people so voted. The Palauans were currently trying to obtain that result. In repeated votes, a large majority of the people of Palau had voted in favour of the Compact of Free Association and several Palauan administrations had tried, and continued to try, to obtain the requisite majority to allow the Compact to come into force. He pointed out that petitions came from only a few countries spread widely across the world as exemplified in identical petitions Nos. 36 to 45 which came from different addresses in Denmark.

88. The representative of the United States said that the broad theme in the oral and written petitions was the strong desire that the November 1988 elections should be non-violent. 14/ Her delegation had noted that the majority of that group of petitions were written in May of 1988. While appreciating the expressions of concern, her delegation was heartened that the anxiety of the petitioners had proved unfounded. The climate of crime and violence reported to have existed in September 1987 was revealed to be an aberration from the generally calm political atmosphere. She invited the Council's attention to the absence of petitions following the November 1988 elections, indicating that those elections had not produced any further cause for concern among the petitioners.

89. The Administering Authority commended the Palauans for conducting free, fair, open, peaceful and participatory elections in November 1988 and for the subsequent smooth transfer of presidential and legislative power that demonstrated the political maturity of the electorate.

90. Several petitioners had called on the United States to fulfil its obligations under the Trusteeship Agreement and had urged the Council not to terminate the Agreement until the United States fulfilled those obligations. As the Council had stated in resolution 2183 (LIII), the United States had satisfactorily discharged its obligations and responsibilities as Administering Authority. The Administering Authority had continued to fulfil its obligations since the adoption of resolution 2183 (LIII), and it would continue to do so faithfully and fully. The United States took those responsibilities seriously and had no intention of abandoning its primary duty under article 6 of the Trusteeship Agreement.

91. Many petitions had implied that there was an element of coercion by the Administering Authority in the conduct of the various plebiscites and referendums. She assured the Council that the calling, conduct and verification of the various electoral exercises were within the sole purview of the Palauan authorities. The Administering Authority did not interfere in their democratic process. The entire extent of its involvement was assistance in meeting the costs of those votes.

92. With respect to some petitioners' calls for the maintenance of law and order, the Administering Authority had made funding available to the Government of Palau to employ a public prosecutor, a public safety consultant and a public auditor. It was for the Government of Palau to fill those positions.

93. A number of petitioners had alleged that the United States had failed to safeguard the rights of individual Palauans, or the right of Palau as a whole, in determining its future status. The United States representative stated that recent events in Palau demonstrated quite clearly the opposite. Every Palauan benefited from rights secured in the Constitution, protected by law, and enforced by an extremely independent judiciary. Palauan efforts to secure approval of the Compact of Free Association, while fraught at times with considerable domestic tension, had ultimately proven to be a vindication of the democratic system in Palau. The United States firmly supported the democratic institutions in Palau that secured and protected all Palauans' individual rights.

94. The United States representative stated that United States House Joint resolution 597, concerning provisions of the Compact, was not acted on and therefore went out of existence when the 1988 session of Congress was adjourned. She assured the Council that in the exercise of the Administering Authority's responsibilities under the Trusteeship Agreement, regular funding for the operation of Palau's Government would be maintained at current levels or adjusted, as appropriate, to future circumstances. The nuclear provisions of the Constitution of Palau had been thoroughly addressed by the Administering Authority. Following the plebiscite of 4 September 1984, the Compact was mutually amended to comply with those specific conditions. To reconcile some technical aspects of the Compact and the Constitution, a 75 per cent approval was still required. The Administering authority thoroughly respected the Constitution of Palau and had no intention of acting otherwise in any context.

95. Referring to petitions alleging that the Administering Authority would not allow voters in Palau any option except free association, the representative of the United States observed that the Administering Authority had consistently recognized that the Compact of Free Association was not the only political option open to Palau. Independence and commonwealth status had both been included on the ballot at various times. Nevertheless, when Palau had held plebiscites observed by representatives of the Council, the overwhelming majority had favoured free association. Should that change, the Administering Authority would not impede the will of the people of Palau.

96. The United States respected the right of the people of the Northern Mariana Islands to petition the Council. It agreed, however, with the conclusion adopted by the Council at its 1657th meeting, on 27 May 1988, that any difficulties over the interpretation of the new status agreements should be resolved bilaterally. Discussions of section 902 of the Commonwealth Covenant 9/ were being reviewed currently by the United States Congress. Those hearings included many of the same petitioners the Council had heard at the current session.

97. The Administering Authority took note of all petitions that had been brought to its attention in good time. It thanked the petitioners for their efforts and assured them that it would give most careful consideration to the concerns raised.

Decision

98. At its 1667th meeting, on 22 May 1989, the Trusteeship Council decided with respect to petitions Nos. 1 to 75 and 1 to 43 contained in documents T/INF/37 and Add.1, respectively, to draw the attention of the petitioners to the observations made during the current session by the representatives of the Administering Authority and members of the Council. 13/

E. Report of the United Nations Visiting Mission to Palau,
Trust Territory of the Pacific Islands, 1989

99. At its 1664th, 1667th, 1668th, 1670th and 1671st meetings, held between 17 May and 1 June 1989, the Trusteeship Council considered, under item 6 of its agenda, the report of the United Nations Visiting Mission to Palau, Trust Territory of the Pacific Islands, 1989. 4/

100. In introducing the report, the representative of France, who had served as Chairman of the Mission, stated that the Mission had been directed to observe steps taken in Palau to bring into effect the proposed Compact of Free Association; to obtain first-hand information concerning political, economic and social developments in Palau; and to receive petitions and to examine such petitions on the spot as, in its opinion, warranted special examination. 11/

101. The Mission had provided a brief statement in its report on the geographical, historical and constitutional background of Palau and of events that had marked its political life in the last three years, especially the Compact of Free Association with the United States. 7/ The report contained a detailed account of the progress achieved in the political sphere, including the Compact of Free Association, and of economic, educational and social advancement. The report dealt with war damage claims, fisheries protection, and dissemination of information on the United Nations in Palau. The report also contained the Mission's conclusions and recommendations.

102. The Mission visited 13 of the 16 states of Palau and met officials, including the President and Vice-President of Palau, as well as members of the Palau legislature, governors and traditional chiefs. It held public meetings in each of the states visited and spoke with all who wished to contact it. The Chairman had broadcast a message to the population of Palau inviting anyone who wished to contact the Mission to do so. The text of that message was included as an annex to the Mission's report. The Mission also received written petitions and communications which were available to members of the Council and listed in annex III of the report of the Mission.

103. The Mission took every opportunity to observe, converse and listen. Those with whom it spoke were citizens aware of their responsibilities, who cared about the future of their country and were extremely well informed about the political, economic and social facts. While the Mission's account of the facts and conclusions might sometimes appear excessively detailed, it wanted to be as complete as possible in the information and appraisal it presented to the Council, the Chairman concluded.

104. The United States delegation welcomed the report of the Visiting Mission. 13/ It found the report to be a fair and accurate assessment of conditions in the Trust Territory. It congratulated the Mission on its objectivity, the thoroughness with which it had approached its mandate and the skill evidenced in the drafting of the report. It recommended the report of the Visiting Mission, coupled with the 1988 annual report of the Administering Authority, 6/ to those who would wish to know the current status of affairs in Palau.

105. The representative of the Soviet Union stated that at the nineteenth special session of the Trusteeship Council, his delegation had made clear its objections to the dispatch of a mission. 14/

106. The Soviet representative noted that the Visiting Mission had met with various community groups in Palau, but had not clearly stated whether they encompassed every stratum of public opinion and whether the Mission had taken into account the petitions and communications received by the Trusteeship Council. Judging from the report, the Mission had not given due attention to those or other expressions of popular concern on the situation in the Territory.

107. The report had been drawn up to inculcate the idea that the so-called Compact of Free Association and its series of agreements offered the only future for the Palauans and that the only remaining questions in the Territory were details concerning individual aspects of economic development and guarantees that economic requirements would be met.

108. The Soviet representative reminded the Council that, officially, the texts of the Compact or any covenants relating to the Trust Territory had not been submitted to the Council. Given that situation, the hope expressed by the Mission for a proper conclusion of the negotiations and its recommendations to the parties to show flexibility in giving effect to the Compact, could only be interpreted as an attempt to exert pressure on the Palauans. His delegation's impression was that a situation of open coercion had been created to force the Palauans to accept the Compact and to renounce or disregard the anti-nuclear articles of their Constitution. That fact was not properly reflected in the report.

109. The report contained statements by representatives of local authorities, organizations and individuals who were concerned that the economic infrastructure lacked solid foundations. Logically, the Visiting Mission should have recognized that the Administering Authority had not promoted the economic advancement of the people of the Trust Territory in accordance with its obligations under the Charter and the Trusteeship Agreement. It had not examined the material before the Council regarding the means used by the Administering Authority to impose the Compact and its accompanying agreements on the people and to exploit the Territory's dependent status through economic levers.

110. Had the Mission based itself on a comprehensive and thorough analysis of the real situation, he said, it would have evaluated the political climate in Palau, the coercion campaign and the intimidation of those opposed to the Compact. The report categorically alleged that the critical comments regarding the militarization of Palau were groundless, but said nothing about the actions of the Administering Authority, including the imposition of the military articles of the Compact and its supplementary agreements. Allegations in the report that the nuclear issue was not a subject of major significance in Palau, and was of concern only to a minority of Palauans, could scarcely be viewed as anything but an attempt to exert influence on Palauans fighting for the anti-nuclear provisions in their Constitution.

111. The representative of France, speaking as Chairman of the Visiting Mission, stated that the nineteenth special session of the Council had entrusted the Mission with a precise mandate. 14/ He pointed out that almost all of the people with whom it had met, had welcomed it. Some were even surprised and explicitly had expressed regret that there had been no periodic visiting mission since 1985. The Mission was aware of petitions received by the Council before its departure and had kept them in mind. Moreover, the report had referred in detail to additional petitions received in Palau.

112. The Visiting Mission had reported as objectively as possible on what it had seen and on grounds for both satisfaction and complaint. Complaints concerning the fear of a premature termination of the Trusteeship Agreement were reflected in the report. The Mission had met with government authorities and with anyone else who wished to meet it. It held 13 public meetings at which anyone could express an opinion freely, an opportunity of which people certainly availed themselves. It was in no way biased and had reported comments as it had heard them.

113. The mandate of the Mission was to observe and to report as objectively as possible on what it had seen. It was for the Trusteeship Council, not the Visiting Mission, to judge whether the Administering Authority was properly fulfilling its obligations. The Mission had tried to provide the Trusteeship Council with as much information as possible. That was the focus of its report. The Mission made no value-judgements although it sometimes drew conclusions directly from its observations which were findings, rather than value-judgements.

114. He pointed out that the Visiting Mission had made no value-judgements on "militarization" of the islands and the nuclear question. It had noted the fact that the only military presence in the islands was 21 members of a United States Navy Civic Action Team doing construction work.

115. The Mission had held discussions for many hours with all kinds of people in Palau and the nuclear question hardly ever came up in the course of those talks. Its duty was to report that objectively and, on the basis of facts, to conclude that the nuclear question did not seem to be of major concern to the citizens of Palau. That was not a value-judgement.

116. The representative of the United Kingdom, who had been a member of the Mission, associated himself with the remarks made by the representative of France. 14/ He stressed that the Mission's task was to meet and talk to as many Palauans as possible and to be open to any members of the Palauan community. The Mission had met the political leaders in Palau as well as other elected representatives and traditional chiefs. At the same time, he pointed out, it had also held public meetings at which any member of the public was free to bring any concern to it. It also had a number of meetings outside its official programme at the request of individual Palauans or groups of Palauans who wanted to bring a particular point of view to the Mission. If the Mission had wanted to cover up what was going on in the Territory, it would not have reflected in its report the criticisms and dissenting views it had heard.

117. The United Kingdom representative was struck by the great extent to which the petitions heard during the current session were in tune with the things said to the Mission in Palau and which had been reflected in the Mission's report. The Visiting Mission went to Palau with no preconceptions but had tried to see what was happening and what were the concerns of the Palauans. Its conclusions, particularly on the question of the future political status of Palau, were simply the conclusions that anyone who went to Palau would inevitably have to reach. Very few Palauans raised any status other than free association as a serious option. Many complained about the exact terms under which free association might take place. There had been references to massive coercion and to a climate of violence, and similar references which, to anyone who had been to Palau, simply did not reflect the truth.

118. At the 1670th meeting of the Trusteeship Council, on 31 May 1989, the representative of France, on behalf of the United Kingdom and his own delegation, introduced draft resolution T/L.1271 concerning the report of the Visiting Mission. 3/

Decision

119. At its 1671st meeting, on 1 June 1989, the Council adopted the draft resolution by 4 votes to 1 as resolution 2191 (LVI). 15/ In the operative part of the resolution, the Council took note of the report of the Visiting Mission; expressed its appreciation for the work accomplished by the Visiting Mission on behalf of the Council; decided to continue to take the recommendations, conclusions and observations of the Mission into account in future examination of matters relating to the Territory; and invited the Administering Authority to take into account the Mission's recommendations and conclusions, as well as the comments made thereon by members of the Council.

F. Offers by Member States of study and training facilities for inhabitants of Trust Territories

120. At its 1668th meeting, on 23 May 1989, the Trusteeship Council considered, under item 7 of its agenda, the report of the Secretary-General on offers by Member States of study and training facilities for inhabitants of Trust Territories covering the period from 18 May 1988 to 19 May 1989. 16/

Decision

121. At the same meeting, the Trusteeship Council decided, without objection, to take note of the report of the Secretary-General contained in document T/1937. 14/

G. Dissemination of information on the United Nations and the International Trusteeship System in Trust Territories

122. At its 1663rd and 1665th meetings, held on 17 and 18 May 1989, respectively, the Trusteeship Council considered, under item 8 of its agenda, the report of the Secretary-General on the item covering the period from 1 May 1988 to 30 April 1989. 17/

123. Introducing the report, a representative from the Department of Public Information of the Secretariat stated that the report summarized activities undertaken in the Trust Territory of the Pacific Islands by his and other departments in the Secretariat. 18/ The document described the materials and products distributed in the Territory, including printed products and radio, television and other visual products. The United Nations Information Centre in Tokyo was responsible for coverage of the Trust Territory. In January 1988 the Director of that Information Centre had visited the Territory, where he had met with educators and librarians to discuss United Nations information disseminated in the Territory. That trip had led to significant strengthening of the Department's media contacts and there would be additional developments in the future.

124. The Department considered there had been a significant increase in informational activities in the radio and visual area, as noted in the annex to the

report which referred to the 70 different UN In Action programmes sent to the Territory. A large number of radio programmes had also been distributed in the Territory in areas identified by the Tokyo Information Officer.

125. The Director of the Information Centre in Tokyo had identified several uses for video-cassettes and the need to do more work with the schools. As a result, the Department was developing video-cassettes and teaching units as a major educational mechanism. It was also building up a resource base of United Nations documentation with libraries.

126. Mr. Samuel McPhetres, Adviser to the Administering Authority, stated that in addition to the information from United Nations Headquarters and from Tokyo, as stated by the representative of the Department of Public Information, the Trust Territory also received a considerable amount of documentation from many specialized agencies, including the Economic and Social Commission for Asia and the Pacific and the various regional agencies that covered the Trust Territory. 18/ That information, particularly the radio programmes, had been extremely well received throughout the Trust Territory and constituted an important part of the broadcast day at most of the radio stations.

127. The representative of the Soviet Union recalled that at the Council's last session, his delegation had proposed a control file for perusal by members, whereby materials sent to the Territory during the year would be available to the Council. 19/

128. He regretted that the file was not available to the Council. He called for details of taped radio and video programmes distributed by the Department in the Territory. He stated that the list of materials disseminated in the Territory 17/ did not contain basic United Nations documents relating to the process of decolonization, such as the Declaration on the Granting of Independence to Colonial Countries and Peoples.

129. The representative of the Department of Public Information stated that he had noted the Soviet delegation's request. The Department had sent those materials primarily from the Tokyo Information Centre. 19/ Many were fairly standard materials distributed widely through all the United Nations information centres and the Department had certainly kept a distribution record. The Department distributed items world-wide through information centres, ministries and education departments. To maintain a separate file for each item for each place of distribution would be administratively cumbersome. It had therefore assembled the list contained in the annex to the report of the Secretary-General on the dissemination of information. 17/ As indicated in 1988, 20/ the Department was computerizing distribution information instead of maintaining separate physical files for every place it distributed items. However, it would make available to the Council a collection of the actual items for examination.

130. The representative of the Department of Public Information stated that the file of printed materials, some 70 UN In Action weekly news programmes, radio programmes and film cassettes distributed in the Territory would be made available. The Department's regular mailing list comprised schools, radio stations, government offices, journalists and others in the Trust Territory. The Tokyo Information Centre had indicated that there were 95 names on that list, which did not include single requests. In the coming year, the Department would focus on expanding distribution outlets of radio and audio-visual materials, schools and libraries in the Territory.

131. The representative of the Department of Public Information stated that his Department distributed radio programmes regularly to stations that had indicated that they would use them and had requested them. It was difficult to obtain systematic evaluation of the effectiveness of materials, to identify target audiences and to see if the materials were useful. The Department had asked for reports on whether the radio programmes were actually being broadcast and had been informed that programmes were being used. It also received feedback in the anecdotal sense, such as letters from individuals, but in terms of systematic evaluation, the Department certainly did not have that kind of mechanism yet in any sophisticated form, particularly in the Trust Territory. The Department received specific requests from individuals who wrote to the United Nations and a unit of the Department of Public Information responded to those requests and dispatched material.

Decision

132. At its 1665th meeting, on 18 May 1989, the Trusteeship Council decided, without objection, to take note of the report of the Secretary-General contained in document T/1936. 19/

H. Co-operation with the Committee on the Elimination of Racial Discrimination

Second Decade to Combat Racism and Racial Discrimination

133. At its 1669th meeting, on 25 May 1989, the Trusteeship Council decided to consider jointly items 9 and 10 of its agenda: Co-operation with the Committee on the Elimination of Racial Discrimination and the Second Decade to Combat Racism and Racial Discrimination.

134. During the discussion, the representative of the Soviet Union said that the problem of combating racial discrimination occupied a particular place in the work of the United Nations. 8/ The efforts of many Member States went into the preparation and adoption of the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid. A programme of action was being drawn up for the Second Decade to Combat Racism and Racial Discrimination at the national, regional and international levels. Many United Nations decisions, including General Assembly resolution 43/91 of 8 December 1988, constituted an international legal basis for the complete elimination of racial discrimination and racism.

135. The Soviet Union fully supported the work of the United Nations in that field and advocated the development and strengthening of co-operation between all States and peoples on the problem. The basis for such co-operation lay in the Charter of the United Nations, the Universal Declaration of Human Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination. According to Article 73 of the Charter, States Members of the United Nations responsible for the administration of territories whose peoples have not yet attained a full measure of self-government, recognized the principle that the interests of the inhabitants of those territories were paramount and accepted the obligation to promote to the utmost, within the system of international peace and security established by the Charter, the well-being of the inhabitants of those territories.

136. In keeping with Article 76 of the Charter, one of the tasks of the Trusteeship System was to encourage respect for fundamental freedoms for all without distinction as to race, sex, language or religion. In fulfilment of that task, the Administering Authority had the responsibility to prevent racial discrimination in Micronesia as well.

137. The Soviet delegation deemed it necessary to draw the Council's attention to the fact that, in accordance with the provisions of article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee on the Elimination of Racial Discrimination should receive copies of petitions and submit opinions and recommendations on those petitions to the competent bodies of the United Nations. The Committee should also receive reports concerning legislative, judicial, administrative or other measures directly related to the principles and objectives of the Convention applied by the administering Powers within the Territories, and express opinions and make recommendations to those bodies.

138. The Trusteeship Council should have sent that information on the Trust Territory to the Committee on the Elimination of Racial Discrimination and should actively participate in the work of the international community in eliminating racism and racial discrimination, particularly through the implementation of the programmes of the Second Decade to Combat Racism and Racial Discrimination.

139. As a result of the position of the Administering Authority, supported by some Council members, the Trusteeship Council was on the sidelines of United Nations measures being taken within the Second Decade.

140. The Soviet delegation believed that the Trusteeship Council should co-operate with the Committee on the Elimination of Racial Discrimination and give it all available information. The Council should take the necessary steps on the appeal made at its forty-third session by the General Assembly in its resolution 43/91, to all Governments to take an active part in implementing the programmes of the Second Decade to Combat Racism and Racial Discrimination.

141. In the Soviet delegation's view, the Trusteeship Council should invite the Committee on the Elimination of Racial Discrimination to meetings of the Trusteeship Council and provide that Committee with full documentation on the situation with regard to the civil, social, economic, political and cultural rights of the people in the Territory, as well as information concerning constitutional developments as requested.

Decision

142. At its 1669th meeting, on 25 May 1989, the Trusteeship Council decided to take note of the statement made at that meeting. 8/

I. Attainment of self-government or independence by the Trust Territories and the situation in Trust Territories with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Co-operation with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

143. At its 1670th meeting, on 31 May 1989, the Trusteeship Council decided to consider jointly items 11 and 12 of its agenda: Attainment of self-government or independence by the Trust Territories and the situation in Trust Territories with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples; and Co-operation with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. 3/

144. The representative of the Soviet Union stated that it was generally recognized that General Assembly resolution 1514 (XV) of 14 December 1960, entitled "Declaration on the Granting of Independence to Colonial Countries and Peoples", had made a valuable contribution to the liberation of colonial peoples. 3/ It had guided the international community in efforts for the early completion of the process of decolonization and the elimination of the vestiges of the colonial system.

145. The Declaration aimed at the transfer to the peoples of all powers and authority, without any conditions whatsoever, in accordance with their freely expressed will and desire. It emphasized that attempts to violate the territorial integrity of Trust Territories violated the purposes and principles of the Charter. A detailed, comprehensive and objective consideration of means to carry out the requirements of the Declaration, as they applied to the Trust Territory of the Pacific Islands, was of great importance for the people of Micronesia and for the international community.

146. At the Council's current session, there had been repeated statements of concern about the Administering Authority's policy aimed at the fragmentation and annexation of the Trust Territory. That was in violation of the Charter, the Trusteeship Agreement and the Declaration on decolonization and prevented the Micronesians from enjoying their inalienable right to full self-determination, freedom, independence and territorial integrity. In fragmenting a single Trust Territory into separate parts, and imposing on each of them unequal agreements, the Administering Authority was ensuring the perpetuation of the subordinate position of Micronesia and turning the Territory into a long-term military strategic springboard.

147. The representative of the Soviet Union recalled resolution 43/47 adopted by the General Assembly at its forty-third session on 22 November 1988 on the International Decade for the Eradication of Colonialism (1990-2000). In the view of his delegation, the prompt and complete implementation of the objective of the Decade would depend on how consistently the principles of the new political thinking were confirmed in international life. As pointed out in a letter to the Secretary-General from the Permanent Mission of the Union of Soviet Socialist Republics on the preparation of the action plan for the International Decade for the Eradication of Colonialism, his delegation believed that that principle was

fully applicable to the peoples of all dependent Territories and its observance should become a universal norm of international life. The Administering Authority must take a constructive approach and pursue a policy of practical action, in accordance with the Charter, including the provisions of Article 76 and Article 83, paragraph 2, and the Trusteeship Agreement, to comply with the requirements of the historic Declaration on the Granting of Independence to Colonial Countries and Peoples.

148. With respect to the second item, the Soviet representative pointed out that there was no need to prove the importance of the role conferred on the Special Committee on decolonization. It considered, inter alia, questions relating to the situation in the Trust Territory of the Pacific Islands, which was included in the list of territories to which action under the Declaration on decolonization was applicable. The Special Committee had repeatedly pointed out the primordial importance of ensuring and guaranteeing to the people of Micronesia complete freedom to enjoy their inalienable right to self-determination and independence, and the need for the Administering Authority to comply with its duties under the Trusteeship Agreement and the Charter.

149. In the report of the Special Committee to the General Assembly at its forty-third session, 21/ the Special Committee had expressed its regret over the failure of the Administering Authority to participate in the consideration of the situation in Micronesia.

Decision

150. At its 1671st meeting, on 1 June 1989, the Trusteeship Council decided, without objection, to draw the attention of the Security Council to the conclusions and recommendations adopted by the Trusteeship Council at its fifty-sixth session concerning the attainment, in accordance with the relevant provisions of the Charter and in particular Article 83, of self-government or independence by the Trust Territory, and to the statements made by members of the Trusteeship Council on those questions. 15/

J. Report of the Drafting Committee

151. At its 1667th meeting, on 22 May 1989, the Trusteeship Council decided, without objection, to appoint a Drafting Committee composed of the representatives of France and the United Kingdom to propose, on the basis of the discussions that had taken place in the Council at its fifty-sixth session, draft conclusions and recommendations for inclusion in the Council's report to the Security Council. 13/

152. The Council considered the report of the Drafting Committee at its 1670th and 1671st meetings, on 31 May and 1 June 1989, respectively. 3/, 15/

153. At the 1670th meeting, on 31 May 1989, the representative of the United Kingdom introduced, on behalf of the Drafting Committee, the draft report contained in document T/L.1270.

154. At the 1671st meeting, on 1 June 1989, the representative of the Soviet Union stated that his delegation was of the opinion that the draft conclusions and recommendations did not reflect either the situation in the Trust Territory or the discussions in the Council at its current session. 15/ The draft disregarded the

numerous oral and written statements of petitioners, was unbalanced and one-sided, and essentially constituted another attempt to support the actions of the Administering Authority in the Trust Territory even though its policies and actions vis-à-vis Micronesia had been justifiably criticized.

155. By way of illustration, he referred to the petition contained in document T/PET.10/734 from the Chairman of a group in the Northern Mariana Islands, which had pointed out that more than 75 per cent of the eligible voters in the Commonwealth had voted to oppose formal termination of the Trusteeship Agreement until the Government and the people of the Northern Mariana Islands were given assurances in the termination resolution itself that the Administering Authority would honour its commitment in section 103 of the Commonwealth Covenant to carry out Article 76 of the Charter of the United Nations and article 6 of the Trusteeship Agreement. The Council had not received any information in that regard. Furthermore, the Soviet delegation had already commented and asked a great number of questions about various parts of the Trust Territory. No account had been taken of the concern voiced in the Soviet delegation's statements and by some of the petitioners.

156. The Soviet delegation pointed out that, in essence, the report of the Administering Authority was confined to information about a single part of the entire Trust Territory of the Pacific Islands. Matters of the implementation of the Trusteeship Agreement and the relevant provisions of the Charter had been overlooked or distorted in the report submitted by the Drafting Committee.

157. The Soviet delegation could not agree, in particular, with the reference to Trusteeship Council resolution 2183 (LIII), which was adopted in contravention of the Council's mandate under the Charter. Pursuant to Security Council resolution 70 (1949) of 7 March 1949, the Trusteeship Council was answerable to the Security Council and on its behalf implemented, within the framework of the Trusteeship System, those functions that related to political, economic, social and educational matters in strategic areas.

158. The Trusteeship Council had no right to take decisions affecting the Trusteeship Agreement or to make recommendations on the status of the Territory that would depart from the provisions of the Charter. The Security Council had entrusted the Administering Authority, in the Trusteeship Agreement, with the task of implementing certain obligations under the Charter with which it must comply strictly. It had no right to depart from the implementation of those obligations, still less to change or terminate unilaterally the Trusteeship Agreement.

159. The Soviet representative noted that the draft conclusions and recommendations connived at violating the Charter, particularly provisions relating to an agreement between the representatives of the United States and one part of the Trust Territory, Palau. Neither the Trusteeship Council nor the Security Council had discussed that agreement or the so-called Compact of Free Association. It was therefore out of place to refer to the so-called Compact in the draft conclusions and recommendations. Furthermore, the hope expressed in the draft for the early completion of the process of approval of the Compact could be viewed only as direct pressure on one area of the Trust Territory.

160. The Drafting Committee should have taken note of the discussion and the various comments and ideas put forward, so that the document might be adopted by consensus.

161. The Soviet delegation was unable to support the draft conclusions and recommendations set forth in document T/L.1270. That draft strayed beyond the terms of reference of the Trusteeship Council and encouraged attempts to justify the annexationist activities of the Administering Authority towards the Trust Territory. The delegation urged that in informal consultations and in the Drafting Committee, a greater effort be made to reach agreed provisions. The Soviet delegation was ready to continue to work on the text but if certain other delegations did not share that desire, then the Soviet delegation would vote against it.

162. The representative of the United Kingdom, one of the members of the Drafting Committee, stated that sometimes it was not possible to accommodate widely divergent points of view. 15/ He believed the Drafting Committee had produced a document acceptable to most members of the Council which reflected the measure of self-government achieved and aspired to by the peoples of the Trust Territory. The Council would be shirking its responsibility if it did not refer to the Compact of Free Association or to the agreement reached in May 1989 between representatives of the Commission on Future Palau/United States Relations and representatives of the United States. Those agreements had been negotiated freely and over a considerable period of time by Palauan representatives in exercise of their right to self-determination.

163. The draft was also intended to deal with the problems raised by certain petitioners from the Northern Marianas.

164. The representative of France, the other member of the Drafting Committee, stated that the draft conclusions and recommendations were only part of the report of the Trusteeship Council to the Security Council. 15/ Other parts would also take account of the various comments made at the current session, including statements by the representatives of the Soviet Union. The concerns of the people of Palau had been taken into account by the Drafting Committee and reflected in its conclusions and recommendations. His delegation would certainly not have associated itself with that draft if the draft conclusions and recommendations had not respected the Charter.

165. The representative of the Soviet Union had hoped that the authors would have listened to the well-meaning criticism intended to help them to prepare the draft conclusions and recommendations. The petition from the representative of the Northern Mariana Islands stated that the Administering Authority continued to adopt a position whereby it could control the Commonwealth in conformity with the ancient colonial system. That matter should have been dealt with by the Trusteeship Council.

166. Among the shortcomings of the report of the Visiting Mission was that it only found concern by the Government of Palau with regard to the violation of fishing rights by foreign fishing vessels. That was no doubt an important problem but not the only one. His delegation was prepared to work seriously to reflect in the report all the various views, evaluations and shades of meaning offered, in conformity with the United Nations Charter, the Trusteeship Agreement and the Declaration on decolonization. The draft text took none of that into account and his delegation could not vote in favour of it.

167. The representative of France regretted that the Soviet delegation had not wished to participate in the work of the Drafting Committee when the question first arose. The draft conclusions and recommendations included the specific question of poaching, and he attested to the fact that poaching was a matter of profound concern to practically all the people the Visiting Mission spoke with. That was a problem for which Palau particularly needed external assistance, since Palau was unable to solve it alone. Under the circumstances, it was quite correct to refer specifically to the question in the draft conclusions and recommendations.

Decision

168. At its 1671st meeting, on 1 June 1989, 15/ the Trusteeship Council adopted, by 4 votes to 1, the draft conclusions and recommendations contained in the annex to the report of the Drafting Committee. The Council further decided that the conclusions and recommendations should constitute part II of its report on its fifty-sixth session to the Security Council. 22/

169. After the vote, the representative of China stated that proceeding from its position of support for the Palauan people's right to self-determination, the Chinese delegation had voted in favour of the draft resolution on the report of the United Nations Visiting Mission to Palau and the draft conclusions and recommendations for the Trusteeship Council's report to the Security Council. 15/ With regard to the future political status of Palau, it was of the view that it should be settled properly on the basis of full respect for the wishes of the Palauan people. His delegation hoped that the Administering Authority would conscientiously discharge its obligation under the Charter and the Trusteeship Agreement so as to promote the development of Palau in all fields. In view of the concerns expressed on the prospect of the establishment of military installations in Palau, the Chinese delegation held that the question should receive serious consideration.

K. Adoption of the report of the Trusteeship Council to the Security Council

170. At its 1672nd meeting, on 1 August 1989, the Trusteeship Council considered the report on its fifty-sixth session to the Security Council.

Decision

171. At its 1672nd meeting, on 1 August 1989, the Trusteeship Council adopted, by 4 votes to 1, the present report, as a whole. 23/

PART II. CONCLUSIONS AND RECOMMENDATIONS

172. At its 1671st meeting, on 1 June 1989, the Trusteeship Council adopted the following conclusions and recommendations by 4 votes to 1 (see part I, sect. J):

"A. Political advancement

"1. The Trusteeship Council recalls its resolution 2183 (LIII) of 28 May 1986.

"2. The Council notes the formation in Palau in February 1989 of the Commission on Future Palau/United States Relations to address certain concerns with regard to the proposed future relationship between the United States of America and Palau. It welcomes the fact that negotiations between representatives of the Commission and the United States authorities have resulted in the signature on 26 May 1989 of an agreement between the two sides. The Council hopes that this agreement will help to achieve an early completion of the process of approval of the Compact of Free Association, in accordance with the wishes of the people of Palau.

"B. Economic, social and educational advancement

"3. The Council notes that the peoples of the Trust Territory, in the exercise of their right to self-government as set out in Article 76 b of the Charter of the United Nations, have elected to assume full responsibility for administration in the economic, social and educational fields.

"4. The Council considers that any difficulties over the interpretation of the new status agreements should be resolved bilaterally by the parties concerned in accordance with the procedures mutually agreed and laid down in the relevant new status agreements.

"5. The Council notes the particular concern of the Government of Palau about poaching by foreign fishing vessels. It requests the Administering Authority to give due consideration to ways and means of assisting Palau to resolve this problem.

"C. General

"6. The Council notes with satisfaction the assurances given by the Administering Authority that it will continue to fulfil its responsibilities under the United Nations Charter and under the Trusteeship Agreement."

Notes

1/ See T/PV.1661.

2/ T/1938.

3/ See T/PV.1670.

Notes (continued)

4/ For the report of the United Nations Visiting Mission to Palau, Trust Territory of the Pacific Islands, 1989, see Official Records of the Trusteeship Council, Fifty-sixth Session, Supplement No. 1 (T/1935).

5/ Trusteeship Agreement for the Trust Territory of the Pacific Islands (United Nations publication, Sales No. 1957.VI.A.1).

6/ 1988 Trust Territory of the Pacific Islands, October 1, 1987 to September 30, 1988, forty-first annual report to the United Nations on the administration of the Trust Territory of the Pacific Islands, transmitted by the United States of America to the United Nations pursuant to Article 88 of the Charter of the United Nations (Department of the Interior). Copies were transmitted to members of the Trusteeship Council by document T/1934.

7/ The Compact of Free Association between Palau and the United States is described in the report of the United Nations Visiting Mission to Observe the Plebiscite in Palau, Trust Territory of the Pacific Islands, February 1983 (Official Records of the Trusteeship Council, Fiftieth Session, Supplement No. 3 (T/1851)). Amendments to the Compact, agreed to in January 1986, are contained in the report of the United Nations Visiting Mission to Observe the Plebiscite in Palau, Trust Territory of the Pacific Islands, February 1986 (Ibid., Fifty-third Session, Supplement No. 2 (T/1885)).

8/ See T/PV.1669.

9/ For the text of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, see Official Records of the Trusteeship Council, Forty-second Session, Sessional Fascicle, annexes, document T/1759.

10/ For further details, see T/PV.1662 and T/PV.1663.

11/ See T/PV.1664.

12/ See T/PV.1666.

13/ See T/PV.1667.

14/ See T/PV.1668.

15/ See T/PV.1671.

16/ T/1937.

17/ T/1936.

18/ See T/PV.1663.

19/ See T/PV.1665.

20/ See Official Records of the Security Council, Forty-third Year, Special Supplement No. 1 (S/20168), part I, sect. F, para. 88.

Notes (continued)

21/ A/43/23 (Part VI), chap. IX. To be incorporated in Official Records of the General Assembly, Forty-third Sessions, Supplement No. 23 (A/43/23).

22/ The present report.

23/ See T/PV.1672.

Annex I

AGENDA OF THE FIFTY-SIXTH SESSION, ADOPTED BY THE TRUSTEESHIP COUNCIL
AT ITS 1661ST MEETING, ON 15 MAY 1989

1. Adoption of the agenda.
2. Report of the Secretary-General on credentials.
3. Election of the President and the Vice-President.
4. Examination of the annual report of the Administering Authority for the year ended 30 September 1988: Trust Territory of the Pacific Islands.
5. Examination of petitions. a/
6. Report of the United Nations Visiting Mission to Palau, Trust Territory of the Pacific Islands, 1989 (T/1935).
7. Offers by Member States of study and training facilities for inhabitants of Trust Territories: report of the Secretary-General (General Assembly resolutions 557 (VI) and 753 (VIII)).
8. Dissemination of information on the United Nations and the International Trusteeship System in Trust Territories: report of the Secretary-General (Trusteeship Council resolution 36 (III) and General Assembly resolution 754 (VIII)).
9. Co-operation with the Committee on the Elimination of Racial Discrimination (General Assembly resolutions 2106 B (XX) and 43/96).
10. Second Decade to Combat Racism and Racial Discrimination (General Assembly resolutions 3057 (XXVIII) and 43/91).
11. Attainment of self-government or independence by the Trust Territories (Trusteeship Council resolution 1369 (XVII) and General Assembly resolution 1413 (XIV)) and the Situation in Trust Territories with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolutions 1514 (XV) and 43/45).
12. Co-operation with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1654 (XVI)).
13. Adoption of the report of the Trusteeship Council to the Security Council (Security Council resolution 70 (1949)).

Notes

a/ T/INF/37 and Add.1. To be incorporated in Official Records of the Trusteeship Council, Nineteenth Special Session and Fifty-sixth Session, Sessional Fascicle.

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